

H. R. 3067.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 25, 1871.

Read twice, ordered to be printed, and recommitted to the Committee on the Judiciary.

Mr. MERCUR, from the Committee on the Judiciary, reported the following bill:

A BILL

To regulate the drawing and summoning of jurors in the district and circuit courts of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the judges of the circuit and district courts in each judi-
4 cial district in the United States, together with the marshal of
5 the proper district, shall constitute a jury board, a majority of
6 whom shall form a quorum, and whose duty it shall be to
7 convene in the months of October or November in each year,
8 to determine, as nearly as may be, the number of jurors who
9 are likely to be required to serve as grand and petit jurors of
10 each court of said district for the ensuing year; and thereupon
11 they shall proceed to select from the taxable citizens of the
12 several counties in said district, who shall be sober, judicious,

13 and intelligent men, a number of names equal to five times
14 the number of jurors agreed upon and fixed for the year, and
15 they shall cause said names to be plainly written, with the
16 residence of each juror, upon separate slips of paper, and place
17 the same in the wheel hereinafter described, as the body of
18 citizens from whom all jurors for both circuit and district
19 courts sitting in that district for the ensuing year shall be
20 drawn.

1 SEC. 2. *And be it further enacted,* That the marshal of
2 each district, upon receiving from the circuit or district court
3 a writ of venire facias or other legal authority to summon
4 jurors shall, in the presence of one of the judges of said courts
5 and of the clerk of the district court, open said wheel, after
6 at least two revolutions of the wheel upon its axis, and draw
7 therefrom in succession as many names as he shall be author-
8 ized to summon, a list of which names shall be taken by the
9 clerk of the district court, and by him be posted in some
10 conspicuous place of his office, and he shall furnish a copy
11 of said list to the clerk of the circuit court, to be in like
12 manner posted in his office. When the marshal shall
13 have completed the drawing of the requisite number
14 of jurors, he shall carefully lock the lid of said wheel, and,
15 keeping the key in his own possession, shall leave the wheel
16 in the possession of the clerk of the district court, and shall
17 proceed to summon the jurors whose names have been drawn,

18 by written notices served personally, or by a copy left at the
19 residence of each juror, at least twenty days before the return-
20 day of his writ, and any of said jurors who, having been duly
21 served with said notice, shall neglect to appear, and unless
22 excused by the court to serve as a juror, shall be liable to a
23 fine as for contempt of court. In case the panel of jurors in
24 attendance upon any of said courts shall be exhausted by
25 reason of challenges, so that the court is obliged to order tales-
26 men to be summoned, the marshal, instead of summoning by-
27 standers, shall cause said wheel to be brought into court, and
28 in open court shall draw therefrom not less than five names
29 for each talesman that is wanted, of which names the clerk
30 shall preserve a list, and the marshal may bring in any one
31 of the five men to serve as the talesman. And the name of
32 no juryman who has been summoned, and who has served
33 one full term of court, shall be replaced in said wheel for a
34 period of two years; and no juryman shall be summoned or
35 permitted to serve in any of said courts whose name has not
36 been duly drawn from said wheel, but the names of all jurors
37 who have been drawn and served, but have not attended,
38 may be replaced in said wheel.

1 SEC. 3. *And be it further enacted,* That the jury-wheel
2 shall be a hollow wheel, made of tin or copper, with an aper-
3 ture in the periphery large enough to admit a man's hand to
4 draw out slips, one at a time; and said aperture shall be

5 covered by a closely-fitting lid, with hinges at one end
6 thereof, and a lock at the other. The wheel shall be sup-
7 ported by axis pins resting on two upright posts, in such man-
8 ner as to admit of easy revolutions of the wheel, in order that
9 the slips of paper containing the names of jurors may be the
10 more effectually mixed. Said wheels shall be furnished by the
11 Department of Justice, at the expense of the United States,
12 and shall be kept at all times, except when produced in court
13 or before the jury board, as aforesaid, in the custody of the
14 clerks of the district courts, but the keys of the locks of said
15 wheels shall at all times be in the exclusive custody of the
16 marshals of the several districts.

1 SEC. 4. *And be it further enacted,* That any person who
2 shall insert names into any such wheel, or abstract them
3 therefrom, except as hereinbefore provided, or who shall break
4 or injure any such wheel, shall be deemed guilty of a misde-
5 meanor, and, upon conviction thereof before either the circuit
6 or district court in the district in which such offense shall be
7 committed, shall be punished by a fine not exceeding two
8 thousand dollars, and by imprisonment not exceeding two
9 years, either or both, at the discretion of the court in which
10 the conviction shall take place.